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NOVARTIS INTELLECT PROP

Senior Patent Attorney

973 781 8064 P.01

Corporate Intellectual Property
One Health Plaza, Building 430
East Hanover NJ 07936-1080



Tel (862) 778-7859
Fax (973) 781-8064
Internet: susan.hess
@group.novartis.com

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Fax

Attention Examiner Lauren Wells
U.S. Patent and Trademark Office
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Fax no. 571-273-0634
Number of pages including cover page-7 pages

Date May 3, 2004

Concerning Re: Application Ser. No. 09/738,212 (Case 4-118-8353B)-Resubmission of Reply and
Terminal Disclaimer

Pursuant to your request, attached is the reply and terminal disclaimer that was previously filed
on January 8, 2004.

Respectfully submitted,


A handwritten signature in cursive script that reads 'Susan Hess'.
Susan Hess

SH:

CONFIDENTIALITY NOTICE

THIS FAX CONTAINS CONFIDENTIAL INFORMATION WHICH MAY BE PRIVILEGED AND IS INTENDED SOLELY FOR THE USE OF THE ABOVE-NAMED RECIPIENT(S). IT MAY BE EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT AN INTENDED RECIPIENT OR PERSON RESPONSIBLE FOR DELIVERY OF THIS FAX TO AN INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS FAX IN ERROR AND THAT ANY REVIEW, DISSEMINATION, DISCLOSURE, COPYING OR OTHER USE OF THIS FAX OR ITS CONTENTS IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FAX IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY BY TELEPHONE AT ONE OF THE PHONE NUMBERS SET FORTH ABOVE AND DESTROY THIS FAX IMMEDIATELY.

CASE 4-118-8353B

CERTIFICATE OF FACSIMILE TRANSMISSION		
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the Patent and Trademark Office on the date shown below.		
Susan Hess Type or print name	 Signature	May 3, 2004 Date

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IN RE APPLICATION OF
NEUER ET AL.Art Unit: 1617
Examiner: A. Berman

APPLICATION NO: 09/738,212

FILED: DECEMBER 15, 2000

FOR: PHARMACEUTICAL COMPOSITIONS OF MACROLIDES OR
CYCLOSPORINE WITH A POLYETHOXYLATED SATURATED
HYDROXY-FATTY ACIDCommissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450


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COMMUNICATION

Sir:

As requested by the Examiner and in response to the Notice of Abandonment mailed March 15, 2004, Applicants resubmit the reply and terminal disclaimer that was filed on January 8, 2004 in response to the BPAI decision dated November 10, 2003. A copy of the date-stamped postcard indicating that the reply was timely received by the U.S. PTO is also attached.

Respectfully submitted,

Novartis
Corporate Intellectual Property
One Health Plaza, Building 430
East Hanover, NJ 07936-1080
(862) 778-7859
Susan Hess
Attorney for Applicants
Reg. No. 37,350

Date: May 3, 2004

CASE 4-118-8353B

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1617

NEUER ET AL.

Examiner: Lauren Wells

APPLICATION NO: 09/738,212

FILED: DECEMBER 15, 2000

FOR: PHARMACEUTICAL COMPOSITIONS OF MACROLIDES OR
CYCLOSPORINE WITH A POLYETHOXYLATED SATURATED
HYDROXY-FATTY ACIDCommissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450REPLY

Sir:

This is in response to the BPAI decision dated November 10, 2003.

Cancel claims 31-33 without prejudice to applicants' rights thereto.

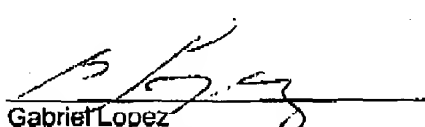
The remaining claims are 21-30, which stand rejected solely for double patenting over application 09/547,802. Attached is a Terminal Disclaimer over said application, which moots the rejection.

Respectfully submitted,

Novartis
Corporate Intellectual Property
One Health Plaza, Building 430
East Hanover, NJ 07936-1080

encl: Term Disc. + fee letter

Date: 1/8/04


Gabriel Lopez
Attorney for Applicants
Reg. No. 28,440
(862) 778-7882